

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7545

Petition of Vermont Electric Cooperative, Inc. for a)
Certificate of Public Good, pursuant to 30 V.S.A.)
Section 248, authorizing the replacement of 5.25)
miles of 46 kV transmission line that begins just)
west of Hinman Settler Road in Derby, Vermont,)
and ends at VEC's West Charleston Substation in)
Charleston, Vermont

Order entered: 1/15/2010

ORDER RE: MOTION TO AMEND

On January 5, 2010, the Vermont Public Service Board ("Board") issued an Order in this Docket approving the request of Vermont Electric Cooperative, Inc. ("VEC") for a Certificate of Public Good for construction of the above-referenced project. On January 8, 2010, VEC filed a letter with the Board pursuant to V.R.C.P. 59(e) requesting that the Board adopt four proposed amendments to the January 5 Order. In its letter VEC represents that the Department of Public Service ("DPS") and the Agency of Natural Resources ("ANR"), which are the only other parties to this proceeding, do not object to the proposed amendments.

Three of the proposed amendments represent technical corrections to the findings, which we adopt as follows:

Finding 58 shall be amended to read: "The transmission line will cross approximately fifty separate wetland areas."

The last sentence of Finding 61 shall be amended to read: "It will also cross five Class II Wetlands so a Wetland Conditional Use Determination ("CUD") from ANR will be required."

The last sentence of Finding 80 shall be amended to read: "The State Historic Preservation Officer ("SHPO") has concluded that the Project will have no

adverse effect on any historic properties that are listed on or eligible for the State or National Registers of Historic Places and that no archeological sites would be affected by the proposed Project. Schuyler pf. at 7; Schuyler supp. pf. at 7; SHPO letter dated 11/23/09."

VEC's fourth proposed amendment would clarify that VEC may begin use of the lay-down area immediately before VEC has received an Army Corps of Engineers permit that is required for other elements of the project (but not required for use of the lay-down area, according to VEC). We agree that VEC should be allowed to use the lay-down area without needing to wait for permits that do not apply to that area. Consequently, we amend Paragraph 3 of the Order at 24, and Paragraph 2 of the CPG at 1, to read:

"Prior to proceeding with construction, VEC shall obtain all necessary permits and approvals, except that VEC is authorized to use the lay-down area as described in Finding 10 above immediately after issuance of this Order, provided the use is in accordance with the requirements of any permits or approvals from other agencies that apply to the use of this lay-down area. Construction, operation, and maintenance of the proposed Project shall be in accordance with such permits and approvals, and with all other applicable regulations, including those of the Vermont Agency of Natural Resources and the U.S. Army Corps of Engineers."

SO ORDERED.

Dated at Montpelier, Vermont, this 15th day of January, 2010.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: January 15, 2010

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.